

Docket No.: 1155-0214P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mamoru TAKAHASHI et al.

Allowed: May 17, 2005

Application No.: 09/744,904

Confirmation No.: 8530

Filed: January 31, 2001

Art Unit: 1713

For: ETHYLENE (CO)POLYMERS AND USES
THEREOF

Examiner: R. A. Lee

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SEP 16 2005

OFFICE OF PETITIONS

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313 (c) (1-3)**

MS Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on August 16, 2005.

It is requested that the above-mentioned application be withdrawn from Issue for the following reason:

☐ Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable (37 C.F.R. § 1.313(c)(1));

09/19/2005 AKELLEY 00000008 022448 10744904

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Birch, Stewart, Kolasch & Birch, LLP

MSW/GMD/mua

Application No.: 09/744,904

Docket No.: 1155-0214P

☒ **Consideration of a request for continued examination in compliance with § 1.114 (37 C.F.R. § 1.313(c)(2)) and an Information Disclosure Statement enclosing a Search Report dated August 18, 2005 and cited reference issued in the corresponding EP application; or**

☐ **Express abandonment of the application. Such express abandonment may be in favor of a continuing application (37 C.F.R. § 1.313(c)(3)).**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 16, 2005

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

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PTO/SB/17p (11-04)

Approved for use through 7/31/2007. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: MS Post Issue Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/744,904-Conf. #8530
	Filing Date	January 31, 2001
	First Named Inventor	Mamoru TAKAHASHI
	Art Unit	1713
	Examiner Name	R. A. Lee
	Attorney Docket Number	1155-0214P

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f)), (g), or (h)). Payment of \$ 130.00 is requested to be withdrawn from the below deposit account. This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 02-2448 :
☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
☐ Check in the amount of \$ _____ is enclosed.
☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

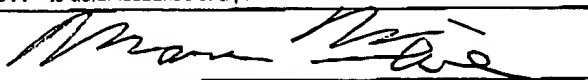
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.58 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.138(b) - for review of a request for extension of time when the provisions of section 1.138(a) are not available.
- § 1.296 - for review of refusal to publish a statutory invention registration.
- § 1.298 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.



Signature

Marc S. Weiner

Typed or printed name

SEP 16 2005

OFFICE OF PETITIONS

September 16, 2005

Date

32,181

Registration No., if applicable

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SEP 16 2005

OFFICE OF PETITIONSTo: **Ms. Karen Creasy,**

From: Marc S. Weiner

Office of Petitions**USPTO**

Fax: 571-273-0025

Date: September 16, 2005

Phone:

Pages: 49 (including cover sheet)

Your Ref.: 09/744,904

Our Ref.: 1155-0214P

Re: RCE/Pet. to Withdraw/IDS

CC:

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Comments:

Attached herewith is a RCE Transmittal, Petition to Withdraw and Information Disclosure Statement. Please charge all fees to Deposit Account 02-2448.

Approved for use through 7/31/2008. OMB 0651-0032
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